

WESTU1.001A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Betageri, Guru)	Group Art Unit 1615
Appl. No.	:	09/931,399)	
Filed	:	08/16/2001)	
For	:	ENTERIC-COATED PROLIPOSOMAL FORMULATIONS FOR POORLY WATER SOLUBLE DRUGS)	
Examiner	:	Kishore, G.)	

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Assignee, "Western Center for Drug Development, College of Pharmacy, Western University of Health Sciences" is the owner of a 100% interest in the instant application. The Assignee has established the right to take action in this case, as required by 37 C.F.R. § 3.73, by virtue of a Power of Attorney dated June 7, 2002 and filed with the PTO on June 18, 2002. This Power of Attorney also establishes the basis for the undersigned attorney to act on behalf of the Assignee.

The Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of co-pending Patent Application No. 10/132,665, filed April 24, 2002. A 100% interest in Patent Application No. 10/132,665 is also assigned to the Assignee. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned.

This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by an terminal disclaimer.

Please charge the \$55 under 37 C.F.R. § 1.20(d) for this Terminal Disclaimer, or any other required fees, to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3 March 2004

By: Daniel Altman

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